

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JIM W. FANG
Assistant United States Attorney
501 Las Vegas Blvd. South, Ste. 1100
Las Vegas, Nevada 89101
Phone: 702-388-6336
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT DEVON BARBER,

Defendant.

Case No. 2:21-cr-275-RFB-NJK

**Stipulation to Continue the Sentencing
Hearing (First Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Damian R. Sheets, Esq., counsel for defendant, that the sentencing hearing in the above-captioned matter, previously scheduled for February 1, 2022, at 11:00 a.m., be vacated and continued until a time convenient to the Court, but no earlier than 45 days from the current setting.

1. The sentencing hearing is currently scheduled for February 1, 2022.

2. During the preparation of the Presentence Investigation Report ("PSR"), the United States Probation Office informed the government that it has had a difficult time scheduling an interview with defendant.

3. The government spoke with defense counsel, and the difficulty stemmed from defense counsel's participation in a pending trial in state court.

1 4. The parties agree that allowing Probation to interview defendant is an
2 important part in the preparation of the PSR. As such, the parties have agreed to continue to
3 the sentencing hearing to a time convenient for the Court, but no earlier than 45 days from
4 the current setting, so that defendant may be interviewed by Probation and a thorough and
5 complete PSR may be prepared.

6 5. Defendant agrees to the continuance.

7 DATED this 16th day of December, 2021.

8 CHRISTOPHER CHIOU
9 Acting United States Attorney

10 s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
11 *Counsel for the United States*

s/ Damian R. Sheets
DAMIAN R. SHEETS, ESQ.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

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ROBERT DEVON BARBER,

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Case No. 2:21-cr-275-RFB-NJK

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the sentencing hearing due to Probation's inability to interview defendant during the preparation of the Presentence Investigation Report ("PSR").

2. Defendant could not be interviewed because of defense counsel's participation in a pending trial in state court.

3. As such, the parties have agreed to continue the sentencing hearing to a time convenient for the Court, but no earlier than 45 days from the current setting, so that defendant may be interviewed by Probation and a thorough and complete PSR may be prepared.

4. Defendant agrees to the continuance.

1 THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the
2 above-captioned matter, previously scheduled for February 1, 2022, at 11:00 a.m., be
3 vacated and continued to March 22, 2022, at 9:00 AM

4 DATED this 17th day of December, 2021.

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HONORABLE RICHARD F. BOULWARE
7 UNITED STATES DISTRICT JUDGE
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